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WASHINGTON STATE CONSERVATION COMMISSION REGULAR MEETING

MINUTES

LACEY, WASHINGTON
MARCH 17, 2005

The Washington State Conservation Commission (Commission/WSCC) met in regular session March 17, 2005 at the Department of Ecology in Lacey, Washington. Commission Chair Peters called the meeting to order at 8:50 a.m.

SUMMARY OF MOTIONS & ACTION ITEMS

1. *Approval of Consent Agenda:*

Commissioner Selby moved to approve the January 17, 2005 Meeting Minutes, Commission Member Compensation Policy, and July travel for the Executive Director to the National Association of State Conservation Agencies Regional Meeting. Commissioner Eriksen seconded. Motion passed.

2. *Water Quality Implementation Grant Extension*

Commissioner Barker moved to approve the six-month extension request by the Ferry Conservation District of the Water Quality Implementation Grant. Commissioner Selby seconded. Motion passed.

3. *Unspent Grant Funds Redistribution*

Commissioner Selby moved to approve the recommended process for reallocation of grant funds with the condition that reallocations match the original intent of the grants program from which the award is made. Commissioner Brown seconded. Motion passed.

4. *Water Quality Implementation Evaluation Committee* meetings are being scheduled. Ms. Witt extended the invitation to the Members to serve on the committee. Commissioner Barker will be representing the west side. The funding level will be brought to the Commission at the May 2005 Meeting.

5. *Grant Report Card - Unspent Funds.* The Commission budget has lost appropriations because the money was unspent. Issues will be discussed at the Commission May 2005 Meeting.

6. *Washington Association of Conservation Districts Livestock Committee Recommendation for Funding Distribution for Fiscal Year 2006-07.*

Commissioner Adams moved to approve the distribution recommendation for technical assistance and cost share as presented by the Washington Association of Conservation Districts Livestock Committee for Fiscal Year 2006-07. Commissioner Faulconer seconded.

Commissioner Brown moved to the table until after lunch. Commissioner Boyum seconded. Motion passed.

7. *Direct Implementation Fund Nonpoint Grant*

Commissioner Bahrych moved to approve the \$50,000 competitive funding request to Ecology from the Conservation Commission for the Direct Implementation Fund Nonpoint Grant. Commissioner Barker seconded. Motion passed.

8. *Dairy Cost Share*

Commissioner Brown moved to approve the recommendation by the Washington Association of Conservation Districts to fund the eight "old" 2003 dairies to meet certification and distribute

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cost share through a lottery selection to the remaining uncertified dairies. Commissioner Eriksen seconded.

Commissioner Bahrych moved to amend the motion to provide the Lumni Tribe \$30,000 after the recommended funding is distributed. Commissioner Selby seconded. Amended motion fails.

Commissioner Stoker moved to amend the original motion to fund the eight “old” 2003 dairies to meet certification, distribute cost share through a lottery selection to the remaining uncertified dairies and allow Grays Harbor Conservation District the cost share available in the amount recouped from the bankruptcy with the remaining technical assistance funds. Commissioner Adams seconded. Motion passed.

Commissioner Selby moved to amend the prior motion to include remaining cost share funds be distributed using the lottery selection to the remaining uncertified dairies. Commissioner Brown seconded. Motion passed.

Commissioner Eriksen moved to direct staff to research available funding for the Lumni Tribe in the Water Quality account and authorize the expenditure of \$10,000 as well as writing a letter to Representative Linville requesting that the funding be included in the budget to continue this monitoring. Commissioner Selby seconded. Motion passed.

Commissioner Eriksen will write a letter to the Grays Harbor Conservation District acknowledging and thanking them for their due diligence on the recovery of these funds.

9. *Washington Association of Conservation District (WACD) Livestock Committee Recommendation for Funding Distribution for Fiscal Year 2006-07 continued.*

Commissioner Brown moved to lay the question on the table. Commissioner Selby seconded. Motion passed.

Commissioner Adams moved to direct staff to work with the Washington Association of Conservation Districts Livestock Committee on the distribution of technical assistance and cost share for Fiscal Year 2006-07. A special meeting will be held so that a recommendation can be presented for final decision by the Commission. Commissioner Faulconer seconded. Motion passed.

A special meeting will be held telephonically to allow Commission staff the time needed to research and prepare more information for this distribution of funds.

10. *Concerns Raised from WACD Annual Conference* - This issue will be addressed at the May 2005 Commission Meeting.

11. *Executive Session - Cary, et al. v. Mason County and Mason Conservation District*

Commissioner Brown moved to take no action and deny the request for amicus status. Commissioner Bahrych seconded. Motion passed.

12. *Elections*

Commissioner Boyum moved to certify the following elections:

<i>Adams, Eric Maier</i>	<i>Mason, Brett Bishop</i>
<i>Asotin County, Keith Ausman</i>	<i>Moses Lake, Dale Gies</i>
<i>Benton, Michael Sackschewsky</i>	<i>Okanogan, Ivan Oberg</i>
<i>Central Klickitat, Scott Wilkins</i>	<i>Palouse, Larry Cochran</i>
<i>Chelan County, Jack Davis</i>	<i>Pend Orielle, George Stuivenga</i>
<i>Clark, Douglas Steinbarger</i>	<i>Pierce, Paul Nee</i>
<i>Columbia, Skip Mead</i>	<i>Pomeroy, John Dixon</i>
<i>Eastern Klickitat, Doug Grabner</i>	<i>Snohomish, Mark Winterhalter</i>
<i>Foster Creek, Sharon Davis</i>	<i>South Douglas, Neil Irmer</i>
<i>Grant, Dale Wentworth</i>	<i>South Yakima, Chris Klebaum</i>
<i>Jefferson County, Julie Boggs</i>	<i>Stevens County, Andy Kroiss</i>

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*Kittitas County, Ron Gibb
Lewis County, Marvin Courtney
Lincoln County, Tom Schultz*

*Thurston, Fred Colvin
Walla Walla County, Merrill Camp
Warden, John Preston
Whidbey Island, David Smith*

Commissioner Barker seconds. Motion passed.

13. Appointments

Commissioner Barker moved to approve the following supervisor appointments in the Western Region:

*Clark, John Baugher
Cowlitz, Lyle Swanson
Grays Harbor, Terry Willis
Jefferson County, Glen Huntingford
King, Scott Wallace
Kitsap, Sharon Call*

*Pacific, Kevin Hatton
San Juan County, Thomas Pence
Skagit, Elizabeth Norton
Whatcom, Joyce Jimerson
Whidbey Island, Karen Ostrander Krug*

Commissioner Brown seconded. Motion passed.

Lewis County Conservation District Appointment

Commissioner Stoker moved to approve the supervisor appointment of Chuck Hayes to the Lewis County Conservation District Supervisor. Commissioner Brown seconded. Motion passed.

Central Region Supervisor Appointments

Commissioner Brown moved to approve the following supervisor appointments in the Central region:

*Benton, Nicole Berg
Central Klickitat, David Guenther
Eastern Klickitat, Tony Mains
Moses Lake, Stanley Meyer*

*Okanogan, Norm McClure
South Yakima, Dirk Van Slageren
Underwood, Sheryl Penney*

Commissioner Stoker seconded. Motion passed.

Kittitas County Conservation District Supervisor Appointment

Commissioner Stoker moved to approve the supervisor appointment of Lynn Brown to the Kittitas County Conservation District. Commissioner Barker seconded. Motion passed.

Chelan County Conservation District Supervisor Appointment

Commissioner Brown moved to approve the supervisor appointment of Josh Koempel to the Chelan County Conservation District. Commissioner Stoker seconded. Motion passed.

North Yakima Conservation District Supervisor Appointment

Commissioner Brown moved to approve the supervisor appointment of William Gillespie to the North Yakima Conservation District. Commissioner Barker seconded. Motion passed.

Eastern Region Supervisor Appointments

Commissioner Eriksen moved to approve the following supervisor appointments to the Eastern region:

*Adams, Curtis Hennings
Asotin County, Jerry Hendrickson*

Palouse-Rock Lake, Clark Miller

Commissioner Brown seconded. Motion passed.

Spokane County Conservation District Supervisor Appointment

Commissioner Eriksen moved to approve the supervisor appointment of Dixie Riddle to the Spokane County Conservation District. Commissioner Stoker seconded. Motion passed.

Grant Conservation District

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Commissioner Stoker moved to extend the supervisor term of George Jelmborg, current supervisor at the Grant Conservation District to the Spring of 2006. Commissioner Eriksen seconded.

Commissioner Brown moved to amend the motion to direct staff to research, recommend a policy process for consolidation and postpone until the May meeting. Commissioner Brown will participate as the Central representative in writing this policy. Commissioner Boyum seconded. Six in favor, three opposed. Motion passed.

The Commission will write a correction letter to Mr. Jelmborg and the Grant Conservation District confirming that he serves until replaced.

Tom Salzer, Field Service Manager stated that the WACD District Operations Review group is looking at procedures to appoint supervisors and that a draft written recommendation will be presented at a Commission meeting and formal adoption at the September Commission meeting. The group has been working on this process for about eight months.

14. *Commission Administrative Policy*

Commissioner Eriksen moved to approve the Election of Chairperson/Vice Chairperson policy with noted corrections. Commissioner Adams seconded. Motion passed.

15. *Legislation*

Commissioner Brown moved to direct the Executive Director to use common sense and comment, in general, against any proviso that diminishes or directs money to be taken from the Water Quality account except the proviso 's that are currently in place. Commissioner Barker seconded. Motion passed.

16. *Drought Work*

Commissioner Selby moved to approve distribution from the drought account. Commissioner Eriksen seconded. Motion passed.

Commissioner Stoker moved to write a letter of support to NRCS for a distribution of the Environmental Quality Incentives Program for funding drought issues in the State of Washington. Commissioner Brown seconded. Motion passed.

17. *Washington Association of District Employees (WADE)*

Commissioner Eriksen moved to approve the WADE request and provide \$20,000 for the 2005 Conference. Commissioner Barker seconded. Motion passed.

18. *CREP Program Planting Survey Results*

Commissioner Brown moved to buy the trees at least \$16,000 or the healing cost as well as a \$50,000 buy out with the understanding that drought money may be able to help reimburse. Commissioner Barker seconded. Motion passed.

19. *Executive Session Staff Performance Measures*

Commissioner Eriksen moved that the Executive Committee be empowered to work with the Executive Director on staff performance measures and the Executive Director's performance measures. Commissioner Selby seconded. Motion passed.

ATTENDEES

Commission Members

Jim Peters, Chair
Lynn Brown, Vice Chair
Bill Boyum, Member, DNR
Lynn Bahrych, Member

Commission Staff

Mark Clark, Executive Director
Mary Anderson, Executive Assistant
Stu Trefry, Field Service Manager
Debbie Becker, Administrative Programs

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Robert Barker, Member
Paul Stoker, Member, WACD
Tracy Eriksen, Member
Lee Faulconer, Member, AG
Melodie Selby, Member, ECY
Ed Adams, Member, WSU

Tom Salzer, Field Service Manager
Cheryl Witt, Contracts Specialist
Kristy McGuill, Grants Staff
Ray Ledgerwood, Program Coordinator
Carol Smith, LFA/Tidegates Technical Coordinator

Guests

Gus Highbanks, NRCS
Fred Colvin, WACD
Craig Nelson, Okanogan CD
George Boggs, Whatcom CD
Robert Hayes, Lewis CD

Brett Rude, Dept. of Ecology
Jay Manning, Director, Dept. of Ecology
Keith Phillips, Governor's Executive Policy
Sharonne O'Shea, Assistant Attorney General
Jay Gordon, Dairy Federation

ADDITIONS/CORRECTIONS TO AGENDA

Chair Peters opened discussion for additions to the preliminary agenda.

Mark Clark, Executive Director, added these items to the agenda.

- Commission Operations - Livestock Legislation update – Action
- Visit from Director Jay Manning, Department of Ecology
- WSCC Grants Program – Brett Rude will present DIF Nonpoint Grant – Action
- Dairy – John Larson, Executive Director for Washington Association of Conservation Districts (WACD) will have an additional recommendation on cost share.
- WSCC Financial Report – Washington Association of District Employees Request for Funding for their 2005 annual conference and training.
- Executive Session – Additional discussion to include staff performance.

INTRODUCTIONS & MEMBER/PARTNERSHIP REPORTS

Commissioner Lynn Bahrych, Washington Environmental Council

2005 Environmental Agenda –As of last weekend all four goals are in play in the Legislature. High Performance Green Buildings bill measure passed in the House and Senate. Cleaner Cars is a bipartisan bill passed in the Senate. Banning Toxic Flame Retardants measure is out of the House Committee. Saving Hood Canal and Puget Sound measure is still in play.

Commissioner Lee Faulconer, Department of Agriculture (Agriculture)

Livestock Nutrient Management Bill Animal Feeding Operations/Concentrated Animal Feeding Operation (AFO/CAFO) - Legislation continues. Discussion of the impact of disclosure of the plans continues.

Commissioner Melodie Selby, Department of Ecology (Ecology)

Concentrated Animal Feeding Operation (CAFO) – At the end of February a ruling was made. That ruling vacated parts of the proposed rule. The permit process will be delayed so that the implications from this latest order can be worked out. The final course of action will be a director-level decision between Ecology and the Department of Agriculture.

Commissioner Bill Boyum, Department of Natural Resources

Forest & Fish – Federal Assurances Program. The Habitat Conservation Plan and Draft Environmental Impact Study has been submitted and available online. The 90-day public comment period began on February 9, 2005. Meetings are planned throughout the state.
Sustainable Forestry on Western Washington State Trust Lands – A new policy will be completed on April 15, 2005.

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Federal Budget Concerns – There is a reduction in state and private programs in the federal budget. The federal level 40% reduction in fire assistance dollars along with 25% in community forestry and 10% in urban forestry.

Commissioner Tracy Eriksen, Eastern Region

Concentrated Animal Feeding Operations (CAFO) – Working on engineering issues.

Gus Hughbanks, Natural Resources Conservation Service (NRCS)

2005 Conservation Security Plan (CSP) – News release will come out today. Sign ups will begin March 28 through May 27 in 220 watersheds nationwide.

Engineering Agreement Signed – Thanks for Cheryl Witt's hard work in coordination.

DECEMBER 2004 WSCC COMMISSION MEETING ACTION UPDATES

Mark Clark, Executive Director, gave an update the action items from the previous Commission meeting.

- Livestock Legislation – Commission staff have been active in these discussions through attendance at hearings and Legislator requests.
- Coordinated Resource Management (CRM) – Moving ahead with the transfer from WSU to the Commission.
- Conservation Reserve Enhancement Program (CREP) – Recommendation for program expansion will be discussed at the May meeting.
- Savings Incentive Uses – Recommendation will come forward at the May meeting.
- Dairy Appeal Hearings – Dairy hearings were scheduled and then cancelled. The Department of Agriculture's Assistant Attorney General determined that the Commission did not appear to have the authority to issue second extensions.

APPROVAL OF THE CONSENT AGENDA

Commissioner Selby moved to approve the January 17, 2005 Meeting Minutes, Commission Member Compensation Policy, and July travel for the Executive Director to the National Association of State Conservation Agencies Regional Meeting. Commissioner Eriksen seconded. Motion passed.

WSCC GRANTS PROGRAM

Water Quality Implementation Grant Extension

Cheryl Witt, Contracts Specialist presented the Water Quality (WQ) Implementation Grant Extension request from Ferry Conservation District.

Ferry Conservation District requests a six month extension for the WQ Implementation Grant to December 31, 2005. Three of the district's implementation projects are located on the Kettle River. The work window has been limited on this river between the months of July and August due to the Department of Fish and Wildlife's Bull Trout listing.

Commissioner Barker moved to approve the six-month extension request by the Ferry Conservation District of the Water Quality Implementation Grant. Commissioner Selby seconded. Motion passed.

A discussion followed regarding work windows for the farmers. The Commission understands these issues and supports the farmers for extension requests.

The Office of Financial Management requires the funds to be spent fiscally and not by the calendar year. Ms. Witt is managing these requirements more efficiently and informing the districts of unused funds so that we are able to request the monies to be carried forward into the next fiscal year.

Unspent Grant Funds Redistribution

Ms. Witt presented the unencumbered grant funding areas in the current fiscal year. These funds must be spent by June 30, 2005.

In July 2004, the Commission authorized funding reallocation decisions for which time is of the essence.

- When the circumstances are political, controversial or sensitive in nature; or the amount to be reallocated is above \$50,000 dollar amount, the decision will be made by the Commission either at a regular or special meeting.
- Under ordinary circumstances and if the amount to be moved is below the predetermined threshold, the Chair and Vice Chair, in consultation with the Executive Director, will make the reallocation decision; then alert other commissioners of that decision.

Water Quality Implementation, Water Quality Carryover, Puget Sound Work Plan, Puget Sound Carryover and Livestock are eligible for reallocation of relinquished funds. Ms. Witt described the process and criteria for relocating these funds.

Executive Director Mark Clark, stated concerns raised by the Office of Financial Management (OFM) regarding monies unspent. Districts need to spend the funding they requested. It is difficult to request supplemental budgets for carryover of unspent monies.

A discussion followed regarding the methods used for the reallocation. This method was acceptable by the districts and continues to work well in distributing these funds quickly to those who apply.

Commissioner Selby moved to approve the recommended process for reallocation of grant funds with the condition that reallocations match the original intent of the grants program from which the award is made. Commissioner Brown seconded. Motion passed.

Grants Staff Report

Ms. Witt presented the Grants Staff Report.

The Grants Administrative Procedures Manual has been distributed to the districts for comments. The manual will be brought to the Commission for approval at the May 2005 Meeting.

Water Quality Implementation Evaluation Committee meetings are being scheduled. Ms. Witt extended the invitation to the Members to serve on the committee. Commissioner Barker will be representing the west side. The funding level will be brought to the Commission at the May 2005 Meeting.

In November 2005, Grants Assistant Debbie Skogen will be retiring. Ms. Witt is managing this transition and the recruitment for the position. Ms. Witt recognized the grants staff for the complex work they perform.

Grant Report Card

Ms. Witt presented the conservation district grant report to the Commission. The Grants Staff along with the Field Service Managers will continue to work with the districts.

A discussion followed regarding the districts ability for money match of the programs. Currently, there is no process in place that requires the districts to define their money match. More discussion is needed, possibly at the May 2005 Meeting.

Commissioner Boyum thanked the Grants Staff for the excellent spreadsheet as a management tool for the Commission to use.

A discussion followed. Most of the monies reported are cost share. Once the season hits, those monies will be used quickly. A suggestion was made to use a timeline and have it written in the contracts where monies are slowly spent or due to season work. The Commission budget has lost appropriations because the money was unspent. Issues will be discussed at the Commission May 2005 Meeting.

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KEITH PHILLIPS, GOVERNOR'S EXECUTIVE POLICY OFFICE

Mr. Phillips gave his background and an overview of his new duties at the Executive Policy Office.

Mr. Phillips offered his services to the Commission and was happy to weigh in on any issues the Commission deems appropriate. He also thanked Mr. Clark and commended his dedication to conservation districts making their work visible by putting a face on government. The Commission has developed strong relationships with the districts.

2005 Statewide Drought Emergency

Mr. Phillips reiterated the Governor's drought announcement on March 10th. The Department of Ecology has issued a drought emergency order as well.

- Water supplies are well below normal.
- Undue hardships are likely.
- The emergency declaration authorizes the state drought response.
- State Drought Contingency Plan is being implemented.
- Preparation is underway for an early and extended fire season.
- Legislative support is needed and has been offered.

An Executive Water Emergency Committee has been formed and will meet weekly. Mr. Clark will participate on the Committee.

A discussion followed regarding the public outreach that will be available to the conservation districts and localities. The Governor was prompted by the Yakima announcement to declare the drought as an emergency. An issue was raised regarding the timing of the announcement and farmers crop insurance signups. Those new policies may be rejected because of the announcement.

Irrigation management by the Bonneville Power Administration was discussed. Work has begun discussing these issues and what the conservation districts can do.

Weekly news releases and workshops are scheduled in late March. The Director of Ecology is dedicated to spending as much time as needed in Eastern Washington for drought education.

Concern for the wildlife habitat was also raised.

Political Policies

Legislators are having high profile conversations on how to protect and manage lands on the western side. The issues are conversions and standards for conversions. A process is needed. Agricultural lands are one piece of the broader picture. There is litigation on the Growth Management Act and a definition of agricultural lands.

Mr. Phillips suggested that the Commission become a voice by creating a policy position and play a political role in defining agricultural lands.

Commission Needs

Commissioner Brown affirmed the good working relationship with Ron Shultz, past Executive Policy Office Representative and looking forward to working with Mr. Phillips.

A few of the needs identified:

- Recognition at the executive cabinet level of the conservation districts abilities.
 - Access to the Governor.
 - Budget concerns of the basic funding for the districts, operating and capital budgets and the ability to work with the federal agencies so that more monies can come through if basic funding is in the budget.
 - GMA issues and sending balanced educational messages to the public.
 - Conservation districts are the best kept secret in government – need for access to legislation.
- Acknowledgement from the Governor. There is tremendous potential that is not being tapped into.

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- 1 ▪ Technical assistance funding.
- 2 ▪ The ability to document and accumulate the statistics at a district level would be valuable to other
- 3 agencies.

4 Mr. Phillips noted that there were a lot of complaints regarding the budget process. Final decisions will be
5 given to the Legislators on Monday from Governor Gregoire. He offered the suggestion that the
6 Commission has the ability to take on a role in best available science because of the technical assistance
7 available. It was noted that that this was being done on the local level.

8 Mr. Phillips closed with the question on whether the Commission should come to a position on agricultural
9 lands or would it put the Commission and districts effectiveness at risk?

11 **JAY MANNING, DIRECTOR OF ECOLOGY**

12 Mr. Manning gave an overview of his activities since his appointment by the Governor as Director of
13 Ecology. Mr. Manning is dedicated to continue with his time and effort in developing trust with the
14 agricultural community. In his traveling around the state, he has heard very good things about the districts.

15 Mr. Manning recognizes that districts are able to give the most bang for the buck and have respected,
16 positive working relationships with the community. The partnership between the Commission and Ecology
17 make the communities stronger. Ecology is supportive of the district's efforts and the work that is being
18 done by them. Districts are recognized as the lead in environmental efforts.

19 Commissioner Brown appreciates the firm and fair regulation from Ecology because it is critical for
20 implementation. Kudos to Ecology's representatives in their work with the Commission and districts.
21 Working hand in hand is necessary. Commissioner Brown has received good feedback from farmers about
22 Mr. Manning.

24 **WSCC GRANTS PROGRAM, CONT'D.**

25 ***Washington Association of Conservation Districts Livestock Committee Recommendation for Funding*** 26 ***Distribution for Fiscal Year 2006-07.***

27 Craig Nelson of the Washington Association of Conservation Districts (WACD) Livestock Committee
28 presented the recommendation for assistance primarily towards animal feeding operations and
29 concentrated animal feeding operations (AFO/CAFO).

30 Mr. Nelson reported that the districts were surveyed and meetings were held by the Committee to provide
31 the information to the Commission. Assistance will be given to the highest priorities. Those needing
32 assistance to meet the federal requirements by December 31, 2003 will be funded first.

33 A discussion followed regarding the method of determining the priorities, technical assistance and cost
34 share.

35 **Commissioner Adams moved to approve the distribution recommendation**
36 **for technical assistance and cost share as presented by the Washington**
37 **Association of Conservation Districts Livestock Committee for Fiscal Year**
38 **2006-07. Commissioner Faulconer seconded.**

39 A lengthy discussion continued on the determination of priorities and reasonable amounts for funding. The
40 intent was to have the final funding distribution determined by local districts who met the priorities set by
41 the Committee. Dairy plans may change due to permit or changes in management. Priorities were set to
42 give preference in helping those producers who have to have a permit to stay in business.

43 It was determined that the Committee should clarify their recommendation for distribution of technical
44 assistance and cost share funding. The recommendation should reflect and incorporate priorities for
45 technical assistance and cost share funding distribution, specify maximum dollar amounts for planning and

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cost share and include any other program-specific policy and procedures the Committee deems necessary to enable the program to run smoothly.

Commissioner Brown moved to the table until after lunch. Commissioner Boyum seconded. Motion passed.

Direct Implementation Fund Nonpoint Grant

Brett Rude, Department of Ecology, presented the request.

Mr. Rude is working on best management practices on dryland wheat fields in Benton County through implementation of technology transfer utilizing the WeedSeeker® spray system with the Benton Conservation District. They are requesting \$50,000 for this sprayer for use in a rental and maintenance capacity. Mr. Rude supports this funding and is excited to collaborate and partner with the Commission and other conservation districts on these grants.

Commissioner Bahrych moved to approve the \$50,000 competitive funding request to Ecology from the Conservation Commission for the Direct Implementation Fund Nonpoint Grant. Commissioner Barker seconded. Motion passed.

Mark Clark, WSCC Executive Director, thanked Mr. Rude for the collaboration in writing the grants and helping the districts.

DAIRY

Dairy Cost Share

The Commission currently has \$101,422 available in the old Dairy cost share. This money was appropriated to the Commission in the 2001-03 Biennium and the balance of \$350,000 reappropriated in 2003-05 Biennium. This money must be spent by June 30, 2005 and is not eligible for an additional reappropriation.

Correspondence was sent to John Larson, WACD Executive Director and Jay Gordon of the Washington State Dairy Federation requesting their feedback. Ms. Becker included one alternative for consideration.

John Larson of WACD presented an alternative distribution formula. Mr. Larson queried the districts to find out who would be able to use the cost share between now and June 2005. Mr. Larson recommended funding eight of the old 2003 dairies so that they can meet certification requirements and distribute cost share through a lottery selection to the remaining uncertified dairies.

Commissioner Brown moved to approve the recommendation by the Washington Association of Conservation Districts to fund the eight “old” 2003 dairies to meet certification and distribute cost share through a lottery selection to the remaining uncertified dairies. Commissioner Eriksen seconded.

A discussion followed.

Commissioner Bahrych moved to amend the motion to provide the Lumni Tribe \$30,000 after the recommended funding is distributed. Commissioner Selby seconded. Amended motion fails.

A discussion followed on the original authority of using funds from this program for the Lumni Tribe for a water quality monitoring project. There may be other programs that it will fit better.

Grays Harbor Conservation District Request

During discussion Ms. Witt suggested the Commission take a look at the Grays Harbor Conservation District request to return the recovered funds to date \$14,740 from the Doelman Dairy bankruptcy be

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1 allocated back to Grays Harbor Conservation District for distribution to other dairy operations within
2 Grays Harbor County. There are producers with unmet needs who would be able to use the funds
3 immediately and are ready to implement. Ms. Witt restated that the Dairy carryover money has to be used
4 by June 30, 2005 or it will be returned to the state treasury.

5 It was determined that the dairies located in Grays Harbor County were included in WACD's
6 recommendation.

7 **Commissioner Stoker moved to amend the original motion to fund the eight**
8 **"old" 2003 dairies to meet certification, distribute cost share through a**
9 **lottery selection to the remaining uncertified dairies and allow Grays**
10 **Harbor Conservation District the cost share available in the amount**
11 **recouped from the bankruptcy with the remaining technical assistance**
12 **funds. Commissioner Adams seconded. Motion passed.**

13 Commissioner Eriksen will write a letter to the Grays Harbor Conservation District acknowledging and
14 thanking them for their due diligence on the recovery of these funds.

15 A discussion followed regarding available funding for the Lumni Tribe in Whatcom County.

16 **Commissioner Selby moved to amend the prior motion to include remaining**
17 **cost share funds be distributed using the lottery selection to the remaining**
18 **uncertified dairies. Commissioner Brown seconded. Motion passed.**

19 **Commissioner Eriksen moved to direct staff to research available funding**
20 **for the Lumni Tribe in the Water Quality account and authorize the**
21 **expenditure of \$10,000 as well as writing a letter to Representative Linville**
22 **requesting that the funding be included in the budget to continue this**
23 **monitoring. Commissioner Selby seconded. Motion passed.**

24 WSCC GRANTS PROGRAM, CONT'D.

25 *Washington Association of Conservation District (WACD) Livestock Committee Recommendation for*
26 *Funding Distribution for Fiscal Year 2006-07 continued.*

27 **Commissioner Brown moved to lay the question on the table. Commissioner**
28 **Selby seconded. Motion passed.**

29 Craig Nelson, WACD Livestock Committee gave an overview of the new information.

30 Clarification of the recommendation was requested. The Committee's recommendation is to approve the
31 technical assistance priority, hours per plan, other expenses, the cost share priorities, maximum cost share,
32 cost share and potentially the contingency.

33 **Commissioner Adams moved to direct staff to work with the Washington**
34 **Association of Conservation Districts Livestock Committee on the**
35 **distribution of technical assistance and cost share for Fiscal Year 2006-07. A**
36 **special meeting will be held so that a recommendation can be presented for**
37 **final decision by the Commission. Commissioner Faulconer seconded.**
38 **Motion passed.**

39 A special meeting will be held telephonically to allow Commission staff the time needed to research and
40 prepare more information for this distribution of funds.
41

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1 RECOGNITION OF PAST CHAIR

2 Chair Peters presented a recognition plaque to Past Chair Tracy Eriksen and thanked him for his
3 exceptional service as Chair.

5 LEGAL ISSUES

6 *Concerns Raised from WACD Annual Conference*

7 Assistant Attorney General, Sharonne O'Shea was available to the Commission for discussion of the
8 concerns raised by Mr. Bertish, former supervisor of Clark Conservation district.

9 This issue will be addressed at the May 2005 Commission Meeting.

11 EXECUTIVE SESSION

12 Chair Peters called the Commission, the Executive Director and Tom Salzer, Field Service Manager to
13 Executive Session at 1:40 p.m. to discuss the Cary, et al. v Mason County and Mason Conservation
14 District legal issue. Chair Peters set fifteen minutes.

15 Chair Peters resumed the meeting at 1:52 p.m.

16 *Cary, et al. v. Mason County and Mason Conservation District*

17 **Commissioner Brown moved to take no action and deny the request for**
18 **amicus status. Commissioner Bahrych seconded. Motion passed.**

20 ELECTIONS

21 Marvin Johnson, Programs Assistant presented the slate of elected candidates.

22 **Commissioner Boyum moved to certify the following elections:**

23 <i>Adams, Eric Maier</i>	<i>Mason, Brett Bishop</i>
24 <i>Asotin County, Keith Ausman</i>	<i>Moses Lake, Dale Gies</i>
25 <i>Benton, Michael Sackschewsky</i>	<i>Okanogan, Ivan Oberg</i>
26 <i>Central Klickitat, Scott Wilkins</i>	<i>Palouse, Larry Cochran</i>
27 <i>Chelan County, Jack Davis</i>	<i>Pend Orielle, George Stuiwenga</i>
28 <i>Clark, Douglas Steinbarger</i>	<i>Pierce, Paul Nee</i>
29 <i>Columbia, Skip Mead</i>	<i>Pomeroy, John Dixon</i>
30 <i>Eastern Klickitat, Doug Grabner</i>	<i>Snohomish, Mark Winterhalter</i>
31 <i>Foster Creek, Sharon Davis</i>	<i>South Douglas, Neil Irmer</i>
32 <i>Grant, Dale Wentworth</i>	<i>South Yakima, Chris Klebaum</i>
33 <i>Jefferson County, Julie Boggs</i>	<i>Stevens County, Andy Kroiss</i>
34 <i>Kittitas County, Ron Gibb</i>	<i>Thurston, Fred Colvin</i>
35 <i>Lewis County, Marvin Courtney</i>	<i>Walla Walla County, Merrill Camp</i>
36 <i>Lincoln County, Tom Schultz</i>	<i>Warden, John Preston</i>
37	<i>Whidbey Island, David Smith</i>

38 **Commissioner Barker seconds. Motion passed.**

40 APPOINTMENTS

41 Mr. Johnson presented the slate of supervisor appointments. Forty three districts have completed their
42 appointment documents. Four districts have not been received. Franklin Conservation District has

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advertised their vacant position three times and no applicants have applied. The three remaining districts will be appointed at the May Commission Meeting.

Western Region Supervisor Appointments

Commissioner Barker began and gave an overview of the nomination process as a member reviewing the packets for nomination. In most cases, Commissioner Barker spoke with the Field Service Managers, the chair/vice chair and supervisor from the district in reference to the applicants. Only one of district had two nominations.

Commissioner Barker moved to approve the following supervisor appointments in the Western Region:

<i>Clark, John Baugher</i>	<i>Pacific, Kevin Hatton</i>
<i>Cowlitz, Lyle Swanson</i>	<i>San Juan County, Thomas Pence</i>
<i>Grays Harbor, Terry Willis</i>	<i>Skagit, Elizabeth Norton</i>
<i>Jefferson County, Glen Huntingford</i>	<i>Whatcom, Joyce Jimerson</i>
<i>King, Scott Wallace</i>	<i>Whidbey Island, Karen Ostrander Krug</i>
<i>Kitsap, Sharon Call</i>	

Commissioner Brown seconded. Motion passed.

Lewis County Conservation District Appointment

Commissioner Barker recommended Chuck Hayes for reappointment.

Commissioner Stoker moved to approve the supervisor appointment of Chuck Hayes to the Lewis County Conservation District Supervisor. Commissioner Brown seconded. Motion passed.

Central Region Supervisor Appointments

Commissioner Brown stated that all of the appointments are single nominations, many are returning supervisors.

Commissioner Brown moved to approve the following supervisor appointments in the Central region:

<i>Benton, Nicole Berg</i>	<i>Okanogan, Norm McClure</i>
<i>Central Klickitat, David Guenther</i>	<i>South Yakima, Dirk Van Slageren</i>
<i>Eastern Klickitat, Tony Mains</i>	<i>Underwood, Sheryl Penney</i>
<i>Moses Lake, Stanley Meyer</i>	

Commissioner Stoker seconded. Motion passed.

Kittitas County Conservation District Supervisor Appointment

Commissioner Stoker moved to approve the supervisor appointment of Lynn Brown to the Kittitas County Conservation District. Commissioner Barker seconded. Motion passed.

Chelan County Conservation District Supervisor Appointment

Commissioner Brown recommended Josh Koempel after discussion with the Field Service Manager and district. Mr. Koempel is involved in the district's activities.

Commissioner Brown moved to approve the supervisor appointment of Josh Koempel to the Chelan County Conservation District. Commissioner Stoker seconded. Motion passed.

North Yakima Conservation District Supervisor Appointment

Commissioner Brown recommended William Gillespie after discussion with the Field Service Manager and district chair. Mr. Gillespie has been active within the district board.

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Commissioner Brown moved to approve the supervisor appointment of William Gillespie to the North Yakima Conservation District. Commissioner Barker seconded. Motion passed.

Eastern Region Supervisor Appointments

Commissioner Eriksen moved to approve the following supervisor appointments to the Eastern region:

Adams, Curtis Hennings

Palouse-Rock Lake, Clark Miller

Asotin County, Jerry Hendrickson

Commissioner Brown seconded. Motion passed.

Spokane County Conservation District Supervisor Appointment

Commissioner Eriksen had two applicants for Spokane County CD. Commissioner Eriksen recommended Dixie Riddle.

Commissioner Eriksen moved to approve the supervisor appointment of Dixie Riddle to the Spokane County Conservation District. Commissioner Stoker seconded. Motion passed.

A discussion was held regarding the election process from the districts. Mr. Johnson stated that the process is smoother than last year and that he is keeping track of the number of votes from the districts. The numbers have improved. Districts are doing well and meeting the requirements.

Grant Conservation District

Commissioner Stoker requested clarification of the definition for supervisors of 'serves until replaced.'

Commissioner Stoker moved to extend the supervisor term of George Jelmberg, current supervisor at the Grant Conservation District to the Spring of 2006. Commissioner Eriksen seconded.

A discussion followed.

Commissioner Stoker gave an overview of the consolidation process underway for the Grant Conservation District and the downsizing of the number of supervisors. Mr. Jelmberg is in the position where his term officially ends in 2005. The district would like Mr. Jelmberg to continue serving until his position is replaced next spring.

RCW 89.08.200 states:

The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified,...

Commissioner Brown moved to amend the motion to direct staff to research, recommend a policy process for consolidation and postpone until the May meeting. Commissioner Brown will participate as the Central representative in writing this policy. Commissioner Boyum seconded. Six in favor, three opposed. Motion passed.

Discussion on the original motion continued. It was stated that a formal action by the Commission would have to happen to eliminate the position. This person would serve until replaced. There is not a process for consolidation at this time. There has been a misunderstanding in Mr. Jelmberg's term. The district was acting on a scenario developed by Commission staff to serve as an example of how they could consolidate the supervisors in the future.

The Commission will write a correction letter to Mr. Jelmberg and the Grant Conservation District confirming that he serves until replaced. Action is not necessary to extend Mr. Jelmberg's term.

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The amendment gives the Commission the opportunity to review a process and provide guidance in consolidation. The process of consolidating supervisors from ten to five has not been created.

Tom Salzer, Field Service Manager stated that the WACD District Operations Review group is looking at procedures to appoint supervisors and that a draft written recommendation will be presented at a Commission meeting and formal adoption at the September Commission meeting. The group has been working on this process for about eight months.

COMMISSION OPERATIONS

Commission Administrative Policies

Election of Chairperson/Vice Chairperson.

Mary Anderson, Executive Assistant, presented the revised policy on the Election of Chairperson/Vice Chairperson.

A discussion followed regarding the deletion of the ‘s’ after chairperson/vice chairperson. It was also noted that the definition of the WSU ex officio member has changed. A footnote will be added to include the Washington Association of Conservation District’s (WACD) president is ineligible because of his/her capacity in serving WACD.

Commissioner Eriksen moved to approve the Election of Chairperson/Vice Chairperson policy with noted corrections. Commissioner Adams seconded. Motion passed.

A discussion followed regarding the addition of the Department of Natural Resources (DNR) and Washington State University’s (WSU) eligibility for chair and vice chair. Both DNR and WSU are not regulatory agencies and are separated from other state agencies. It was acknowledged that some districts may disagree with this definition. Footnotes will be added to the policy explaining the eligibility reasoning for DNR and WSU and the ineligibility of the Department of Ecology, the Department of Agriculture and WACD president.

Executive Committee of the Commission -New Commission DRAFT Administrative Policy

Ms. Anderson presented the new policy suggested by Commissioner Eriksen. The policy includes the addition of an executive committee comprised of the current chair, vice chair, and past chair. Commission members are encouraged to review and give comments and suggestions to Ms. Anderson prior to the May meeting.

Commission Meeting Agenda – Revised DRAFT Commission Administrative Policy

Ms. Anderson presented the revised policy for the Commissioners review. It is recommended that this policy be deleted and the information documented as procedures in the Commissioner Handbook.

Staff is reviewing current policies. The intent is to bring forward at least two policies or positions for revision at each meeting. A database is being created to document important actions and/or policies made by the Commission and will be maintained when completed. The Commissioners input will be appreciated.

Administrative Report

Debbie Becker, Administrative Programs, has provided an Administrative Report in the meeting packet.

Government Management, Accountability and Performance (GMAP)

Mark Clark, Executive Director gave a quick overview of the Governor’s Executive Order 05-02.

Legislation

Stu Trefry, Field Service Manager and Legislation Liaison gave an overview of Commission and WACD request bills SHB 1461 - Changing conservation assistance revolving account provisions and SB1462 - Funding conservation districts that have passed the House and action in the Senate Agriculture and Rural Development Committee.

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1 *Other Legislation: ESB 5094 – Changing Maximum per Parcel Rate for Conservation District*
2 *Special Assessments* - This legislation passed the Senate with two amendments.

3
4 In Section 1(3) and (4) of RCW 89.08.400 and 1992 c 70 c 1 were amended to read: (3)...a maximum
5 annual per parcel rate shall not exceed five dollars, except that for counties with a population of over one
6 million five hundred thousand persons, the maximum annual per parcel rate shall not exceed ten
7 dollars...(applying it to King Conservation District only) and (4)...All remaining funds collected under
8 this section shall be transferred to the conservation district and used by the conservation district in
9 accordance with this section...

10 A discussion followed. Commission staff may need some guidance from the Commission as to how to
11 proceed if this bill goes forward.

12 *SB5602 – Managing Livestock Nutrients*

13 The bill passed the Senate with an amendment strengthening the confidentiality provisions. It will go to
14 the House Economic Development, Agriculture and Trade Committee. We do not know how
15 Representatives Linville or Pettigrew feels about this bill.

16 This is a work in progress and it is appropriate for the Commission to be involved. It was noted that the
17 two sections that applied to the conservation districts are not touched.

18 A discussion followed regarding an amendment that would provide legislative language conservation
19 districts to verify nutrient management plans meet NRCS or other applicable standards. The final
20 certification will be the Department of Agriculture. These issues will be brought to the Livestock
21 Management Development and Oversight Committee (LDOC) meeting next week.

22 The Commission asked that John Larson, WACD Executive Director keep on top of these issues and
23 update the Commission as the needs arise. Caution was raised that even though districts are helping to
24 write amendments that it is understood that it does not mean they entirely support the bill. The position of
25 the Commission has not changed.

26 House Bills 1840- Modifying Use of the Water Quality Account and other bills that would earmark
27 expenditures from the Water Quality account.

28 **Commissioner Brown moved to direct the Executive Director to use common**
29 **sense and comment, in general, against any proviso that diminishes or**
30 **directs money to be taken from the Water Quality account except the**
31 **proviso 's that are currently in place. Commissioner Barker seconded.**
32 **Motion passed.**

33 *Drought Work*

34 Mr. Clark stated that funding is available for the districts for drought work. Approval must be given by the
35 Commission so that the funds from the drought account can be distributed. The criteria will be established.

36 **Commissioner Selby moved to approve distribution from the drought**
37 **account. Commissioner Eriksen seconded. Motion passed.**

38 A discussion followed. Gus Hughbanks, National Resources Conservation Service (NRCS), noted that
39 they will look at all of the state's Environmental Quality Incentives Program (EQIP) funding. Many states
40 have more EQUIP than they can use. This money can be redistributed as soon as possible. Mr. Hughbanks
41 will request from NRCS that those monies be used for the drought and put Washington on the top of their
42 list. Mr. Hughbanks noted that a letter of recognition and support for EQUIP distribution would be helpful.

43 **Commissioner Stoker moved to write a letter of support to NRCS for a**
44 **distribution of the Environmental Quality Incentives Program for funding**
45 **drought issues in the State of Washington. Commissioner Brown seconded.**
46 **Motion passed.**

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Washington Association of District Employees (WADE)

George Boggs, WADE President, gave an overview of the schedule that is planned for the 2005 WADE Conference on June 20-22 at the Sleeping Lady Mountain Retreat in Leavenworth, Washington. Mr. Boggs requested financial support from the Commission to help defray the costs of the conference.

Commissioner Eriksen moved to approve the WADE request and provide \$20,000 for the 2005 Conference. Commissioner Barker seconded. Motion passed.

A request was made in light of the current issues from the WACD Annual Meeting that no invocations be held at the conference. This issue could be a topic to address at the conference by the Assistant Attorney General.

Seeking other sources for donations to be utilized in helping to defray more costs of the conference was suggested. Adding logos of the contributing sources would be an incentive to donate. The total cost of the conference is approximately \$42,000.

Mr. Boggs agreed to pursue the suggestions next year but will report back to the Commission at the July meeting on the conference.

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

CREP Program Planting Survey Results

Debbie Becker, Administrative Programs, provided a summary of the planting survey results.

Ms. Becker requested the authority to pay or reimburse the districts for those plants that cannot be put in the ground. Trees are ordered a year in advance. Because of moratorium by the Farm Service Agency they cannot be planted.

Funds may need to be distributed for 'healing over'. Producers have planted early because of the weather. We may need to incur those watering costs. Mr. Hughbanks stated that NRCS struggled with this decision. It is difficult to tell people to plant the trees when it's a drought, if they don't plant the trees, a lot of people get left holding the bag. They could stop plantings except where local conditions might support the plant. Producers sign up for the variance. NRCS decides if it will work, then goes to the State Committee for final decision. It was noted that most of the districts have the trees in the ground.

Commissioner Brown moved to buy the trees at least \$16,000 or the healing cost as well as a \$50,000 buy out with the understanding that drought money may be able to help reimburse. Commissioner Barker seconded. Motion passed.

TIDEGATES PRESENTATION

Carol Smith, Technical Coordinator gave a presentation on Tidegates – House Bill 1418. The final report is available on the Commission website.

Ms. Smith reported that there was lively discussion at every meeting. Progress was made at every meeting because of the efforts of the Commission and the relationships that were made; bringing the group together for discussion with the Commission in the middle. There was mistrust in the beginning, but the group worked through it. Mr. Ed Manary gave clarity to the issues. Ron Shultz was the chairman. The group functioned on its own. There was no need to hire a facilitator as originally planned.

A discussion followed on the Swinomish Channel. The Tribe has taken the lead role to address the issues. They are seeking funding for study of the area. With the Tidegate projects, agricultural concerns can be very serious. Some suggestions were to move the Wiley slough tidegate farther upstream and set dikes where it is public to protect agricultural lands. This would be very expensive.

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EXECUTIVE SESSION – EXECUTIVE DIRECTOR PERFORMANCE REVIEW AND STAFF PERFORMANCE

Chair Peters called the Commission and the Executive Director to Executive Session at 4:35 p.m. to discuss the Executive Director's and staff performance reviews. Chair Peters set ten minutes.

Chair Peters resumed the meeting at 4:45 p.m.

Commissioner Eriksen moved that the Executive Committee be empowered to work with the Executive Director on staff performance measures and the Executive Director's performance measures. Commissioner Selby seconded. Motion passed.

CHAIR COMMENTS

Chair Peters thanked the Commission for his first meeting as chair and his commitment to chairing better meetings in the future. He also thanked Commissioner Eriksen and Vice Chair Brown for their assistance.

NEXT COMMISSION MEETING

Planning and Regular Commission Meeting:

May 17, 2005

Field Tour and no host Interaction Dinner coordinated by the Whitman Conservation District

May 18, 2005

Commission Planning Meeting

Best Western Inn

Palouse River Room

701 N Main Street

Colfax, Washington

May 19, 2005

Regular Commission Meeting

Best Western Inn

Palouse River Room

701 N Main Street

Colfax, Washington

ADJOURNMENT

Chair Peters adjourned the meeting at 4:50 p.m.